

FILED

FEB 09 2015

RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

KEENAN G. WILKINS,

Plaintiff,

v.

ALAMEDA COUNTY, et al.,

Defendants.

No. C 14-2516 LHK (PR)

ORDER DIRECTING PLAINTIFF
 TO FILE NOTICE OF INTENT
 TO PROSECUTE OR REQUEST
 FOR DISMISSAL

On June 2, 2014, plaintiff, a California state prisoner proceeding *pro se*, filed this civil rights action under 42 U.S.C. § 1983. Plaintiff had previously filed several other complaints against defendants Alameda County.¹ In June 2014, the court referred several of plaintiff's actions against Alameda County to Magistrate Judge Nador Vadas for settlement proceedings pursuant to the Pro Se Prisoner Mediation Program. Upon completion of settlement proceedings, on October 21, 2014, a global settlement agreement was reached and all of the other previously filed matters were specifically identified in the settlement agreement between the parties and were dismissed pursuant to that agreement. The parties' settlement agreement also encompassed matters not specifically listed in the agreement but were encompassed by the agreement's terms

¹ See *Wilkins v. Ahern*, No. 08-cv-01084 MMC (N.D. Cal. filed Feb. 22, 2008); *Wilkins v. County of Alameda*, No. 10-cv-03090 LHK (N.D. Cal. filed July 14, 2010); *Wilkins v. Picetti*, No. 10-cv-2818 LHK (N.D. Cal. filed June 28, 2010); *Brown v. County of Alameda*, No. 11-cv-2704 LHK (N.D. Cal. filed June 6, 2011); *Wilkins v. Daly*, No. 13-cv-04665 LHK (N.D. Cal. filed Oct. 8, 2013); *Wilkins v. Ahern*, No. 14-cv-2965 LHK (N.D. Cal. filed June 26, 2014).

1 and were to be dismissed upon notice of dismissal by plaintiff.

2 In the instant case, the court ordered service upon defendants on October 17, 2014. On
3 November 12, 2014, plaintiff filed a document indicating that he was in the process of
4 conducting a global settlement conference with defendant in other cases, and that "a tentative
5 settlement agreement was reached which may result in me moving to dismiss this action."
6 (Docket No. 18.) The court has not received further notice from plaintiff as to his intent to
7 prosecute this action.

8 Thus, it is in the interests of justice and judicial efficiency for the court to establish
9 whether plaintiff intends to continue to prosecute this action. Plaintiff shall file a notice of his
10 continued intent to prosecute this action or request for dismissal, within **twenty-eight (28) days**
11 from the filing date of this order. **Failure to do so will result in the dismissal of this action**
12 **without prejudice for failure to prosecute under Rule 41(b) of the Federal Rules of Civil**
13 **Procedure.** See *Malone*, 833 F.2d at 133.

14 IT IS SO ORDERED.

15 DATED: 2/6/15

Lucy H. Koh
LUCY H. KOH
United States District Judge